

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

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KYLE FELLERS, *et al.*,

Plaintiffs,

v.

MARCEY KELLEY, *et al.*,

Defendants.

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Case No. 1:24-cv-311-SM-AJ

**EXPEDITED MOTION FOR SCHEDULING ORDER RE HEARING-  
RELATED DEADLINES**

The parties have conferred repeatedly by email about proposed deadlines related to the pending preliminary injunction and hearing on the merits set for November 21-22, 2024. The parties reached agreement on post-hearing deadlines, but were unable to reach agreement on pre-hearing deadlines or page limits. Plaintiffs' understanding of the parties' respective positions are set forth in the chart below and require resolution by the court.

The undersigned lead plaintiffs' counsel does not believe that further discussions between counsel will lead to a timely resolution of these issues without Court intervention. Plaintiffs respectfully request that the Court enter a scheduling order for hearing-related deadlines on an expedited basis and by October 25, 2024, if possible.

Setting deadlines and page limits will assist the parties in preparing for the hearing, provide for a more orderly hearing, and also promote greater transparency

regarding the parties' legal arguments and evidence. Those factors are particularly important in a case involving claims that government officials violated First Amendment rights and that those rights violations are ongoing.

<b>Hearing related event</b>	<b>Plaintiffs' position</b>	<b>Bow SD Defendants' Position as understood by Plaintiffs' counsel</b>
Parties exchange witness and exhibit lists including expert witness disclosures (if any) for MPI hearing; provide copies of any exhibits not previously disclosed	November 7	November 14
Final pre-hearing/trial briefs due*	November 18; 10-page limit, excluding captions, signatures	November 18; no input provided on brief length
Parties file post-hearing briefs	December 16; page limits as per LR 7.1 for dispositive motions	December 16; no input provided on brief length
Parties file optional post-hearing reply briefs	December 13; page limits as per LR 7.1 for dispositive motion replies	December 13; no input provided on brief length

\*Plaintiffs expect the Bow S.D. Defendants to file a response to Plaintiffs' motion for preliminary injunction as required by LR 7.1 and as they previously stated they would. Dkt. 22 at 1 ("The District requests that it be permitted to respond more fully to the request for a preliminary injunction in accordance with L.R. 7.1(b) (providing 14 days to respond to motions)"). Plaintiffs will file a reply brief as per LR 7.1.

Dated: Oct. 17, 2024

Respectfully submitted,

/s/ Endel Kolde

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